

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

MICHAEL F. HAGAN

Plaintiff,

vs.

Case No.

NEW LEAF LANDSCAPE, LLC,

and

IRVING A. RODRIGUEZ ROSA,

Defendants.

PETITION FOR DAMAGES

Plaintiff, for his causes of action against Defendants, states and alleges as follows:

1. Plaintiff is a resident of Kansas City, Jackson County, Missouri.
2. Defendant New Leaf Landscape, LLC (“New Leaf”) is a Kansas limited liability company authorized to do and doing business in Kansas City, Jackson County, Missouri.
3. Defendant Irving A. Rodriguez Rosa (“Rosa”) is a resident of Shawnee, Kansas.
4. These causes of action accrued in Kansas City, Jackson County, Missouri.
5. At all times material hereto, New Leaf acted by and through its agent and employee Rosa, who at all times was acting in the course and scope of his agency and employment for New Leaf.

EXHIBIT

A

6. On July 1, 2022, Plaintiff was operating 1999 Buick Century & Custom Wagon east on 136th Street near the intersection of 136th Street and 150 Highway in Kansas City, Missouri.

7. At said time and place, Rosa was operating a 2017 Isuzu Amigo Multi Purpose southbound on 150 Highway near the intersection.

8. At said time and place, Rosa ran a red light and struck Plaintiff's vehicle.

9. Rosa was negligent in the following respects:

- a. He failed to stop at the red light;
- b. He failed to yield the right of way;
- c. His vehicle entered the intersection when Plaintiff's vehicle was within

or so close to the intersection so as to constitute an immediate hazard;

- d. He failed to keep a careful lookout;
- e. He was driving at an excessive speed;
- f. He failed to stop, slow or swerve his vehicle or to sound a warning

thereof.

10. As a direct and proximate result of Rosa's negligence, Plaintiff's vehicle was totaled.

11. As a further direct and proximate result of Rosa's negligence, Plaintiff received multiple injuries; he has suffered, and will permanently suffer, great physical pain; and he has incurred, and will in the future incur, substantial expense for medicine and medical attention.

WHEREFORE, Plaintiff prays for damages against Defendants in such sum as is fair and reasonable, for his costs and expenses incurred, and for such other relief as the Court deems just and reasonable.

Respectfully submitted,

THOMAS STEIN, P.C.

/s/ Thomas Stein

Thomas Stein #32256

1660 Lightwell
1100 Main
Kansas City, MO 64105
(816)471-4747
FAX/471-4949
tomstein@sbcglobal.net

ATTORNEY FOR PLAINTIFF



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: S MARGENE BURNETT	Case Number: 2216-CV15748
Plaintiff/Petitioner: MICHAEL F. HAGAN vs.	Plaintiff's/Petitioner's Attorney/Address: THOMAS STEIN LIGHTWELL 1100 MAIN STREET KANSAS CITY, MO 64105
Defendant/Respondent: NEW LEAF LANDSCAPE LLC	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Pers Injury-Vehicular	(Date File Stamp)

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: **NEW LEAF LANDSCAPE LLC**
Alias:

11840 S. CONLEY STREET
OLATHE, KS 66062



You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

19-JUL-2022
Date


Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
2. My official title is _____ of _____ County, _____ (state).
3. I have served the above summons by: (check one)

delivering a copy of the summons and petition to the Defendant/Respondent.
 leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.

(for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 other _____.

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to me before this _____ (day) _____ (month) _____ (year)

I am: (check one) the clerk of the court of which affiant is an officer.

the judge of the court of which affiant is an officer.

authorized to administer oaths in the state in which the affiant served the above summons.

(use for out-of-state officer)

authorized to administer oaths. (use for court-appointed server)

Signature and Title

Service Fees, if applicable

Summons \$ _____

Non Est \$ _____

Mileage \$ _____ (_____ miles @ \$ _____ per mile)

Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

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Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: S MARGENE BURNETT	Case Number: 2216-CV15748
Plaintiff/Petitioner: MICHAEL F. HAGAN vs.	Plaintiff's/Petitioner's Attorney/Address: THOMAS STEIN LIGHTWELL 1100 MAIN STREET KANSAS CITY, MO 64105
Defendant/Respondent: NEW LEAF LANDSCAPE LLC	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Pers Injury-Vehicular	(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)**

The State of Missouri to: **IRVING A RODRIGUEZ ROSA**
Alias:

7502 CODY
APT. 7
SHAWNEE, KS 66214



JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

19-JUL-2022
Date

Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
2. My official title is _____ of _____ County, _____ (state).
3. I have served the above summons by: (check one)

delivering a copy of the summons and petition to the Defendant/Respondent.
 leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.

(for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 other _____.

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to me before this _____ (day) _____ (month) _____ (year)

I am: (check one) the clerk of the court of which affiant is an officer.

the judge of the court of which affiant is an officer.

authorized to administer oaths in the state in which the affiant served the above summons.

(use for out-of-state officer)

authorized to administer oaths. (use for court-appointed server)

Signature and Title

Service Fees, if applicable

Summons \$ _____

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The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

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Circuit Court of Jackson County

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

MICHAEL F. HAGAN,

**PLAINTIFF(S),
VS.**

**CASE NO. 2216-CV15748
DIVISION 7**

NEW LEAF LANDSCAPE LLC,

DEFENDANT(S).

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE
AND ORDER FOR MEDIATION**

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **S MARGENE BURNETT** on **01-NOV-2022** in **DIVISION 7** at **09:00 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16th Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16th Judicial Circuit web site at www.16thcircuit.org after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

MEDIATION

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

POLICIES/PROCEDURES

Please refer to the Court's web page www.16thcircuit.org for division policies and procedural information listed by each judge.

/S/ S MARGENE BURNETT
S MARGENE BURNETT, Circuit Judge

Certificate of Service

This is to certify that a copy of the foregoing was mailed postage pre-paid or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

Attorney for Plaintiff(s):

THOMAS STEIN, LIGHTWELL, 1100 MAIN STREET, KANSAS CITY, MO 64105

Defendant(s):

NEW LEAF LANDSCAPE LLC
IRVING A RODRIGUEZ ROSA

Dated: 19-JUL-2022

MARY A. MARQUEZ
Court Administrator

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

MICHAEL F. HAGAN,

Plaintiff,

vs.

Case No. 2216-CV15748

NEW LEAF LANDSCAPE, LLC.,

and

IRVING A. RODRIGUEZ ROSA,

Defendants.

REQUEST FOR ALIAS SUMMONS

Issue Alias Summons to Defendant:

New Leaf Landscape, LLC
c/o Resident Agent
Scott Vespestad
14050 W. 158th Street
Olathe, KS 66062

County of Service:

Johnson County, Kansas

Respectfully submitted,

THOMAS STEIN, P.C.

/s/ Thomas Stein

Thomas Stein #32256

1660 Lightwell
1100 Main
Kansas City, MO 64105
(816)471-4747
FAX/471-4949
tomstein@sbcglobal.net

ATTORNEY FOR PLAINTIFF



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: S MARGENE BURNETT	Case Number: 2216-CV15748
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Defendant/Respondent: NEW LEAF LANDSCAPE LLC	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Pers Injury-Vehicular	(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)**

The State of Missouri to: **NEW LEAF LANDSCAPE LLC**
Alias:

RA: SCOTT VESPESTAD
14050 W. 158TH STREET
OLATHE, KS 66062



JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

05-AUG-2022
Date

[Signature]
Clerk

Further Information:

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1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
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(for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 other _____.

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to me before this _____ (day) _____ (month) _____ (year)

I am: (check one) the clerk of the court of which affiant is an officer.

the judge of the court of which affiant is an officer.

authorized to administer oaths in the state in which the affiant served the above summons.
(use for out-of-state officer)

authorized to administer oaths. (use for court-appointed server)

Signature and Title

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Summons \$ _____

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Circuit Court of Jackson County



8/26 Sum pet

IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: S MARGENE BURNETT	Case Number: 2216-CV15748
Plaintiff/Petitioner: MICHAEL F. HAGAN	Plaintiff's/Petitioner's Attorney/Address: THOMAS STEIN LIGHTWELL 1100 MAIN STREET KANSAS CITY, MO 64105
vs.	
Defendant/Respondent: NEW LEAF LANDSCAPE LLC	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Pers Injury-Vehicular	
(Date File Stamp)	

JACKSON CO. KS SHERIFF
1 AUG 22 AM 05:54

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: IRVING A RODRIGUEZ ROSA Alias: 7502 CODY APT. 7 SHAWNEE, KS 66214	
<i>COURT SEAL OF</i>  JACKSON COUNTY	<p>You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.</p> <p style="text-align: center;"><u>19-JUL-2022</u> Date</p> <p style="text-align: right;"><i>[Signature]</i> Clerk</p>
Further Information:	
Officer's or Server's Affidavit of Service	
<p>I certify that:</p> <ol style="list-style-type: none"> 1. I am authorized to serve process in civil actions within the state or territory where the above summons was served. 2. My official title is _____ of _____ County, _____ (state). 3. I have served the above summons by: (check one) <ul style="list-style-type: none"> <input type="checkbox"/> delivering a copy of the summons and petition to the Defendant/Respondent. <input type="checkbox"/> leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with _____, a person at least 18 years of age residing therein. <input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title). <input type="checkbox"/> other _____. 	
<p>Served at _____ (address) in _____ County, _____ (state), on _____ (date) at _____ (time).</p>	
Printed Name of Sheriff or Server	Signature of Sheriff or Server
<p>Subscribed and sworn to me before this _____ (day) _____ (month) _____ (year)</p>	
<p>I am: (check one) <ul style="list-style-type: none"> <input type="checkbox"/> the clerk of the court of which affiant is an officer. <input type="checkbox"/> the judge of the court of which affiant is an officer. <input type="checkbox"/> authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer) <input type="checkbox"/> authorized to administer oaths. (use for court-appointed server) </p>	
Signature and Title	
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Summons	\$ _____
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Plaintiff,

vs.

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and

IRVING A. RODRIGUEZ ROSA,

Defendants.

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1. Plaintiff is a resident of Kansas City, Jackson County, Missouri.
2. Defendant New Leaf Landscape, LLC ("New Leaf") is a Kansas limited liability company authorized to do and doing business in Kansas City, Jackson County, Missouri.
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4. These causes of action accrued in Kansas City, Jackson County, Missouri.
5. At all times material hereto, New Leaf acted by and through its agent and employee Rosa, who at all times was acting in the course and scope of his agency and employment for New Leaf.

6. On July 1, 2022, Plaintiff was operating 1999 Buick Century & Custom Wagon east on 136th Street near the intersection of 136th Street and 150 Highway in Kansas City, Missouri.

7. At said time and place, Rosa was operating a 2017 Isuzu Amigo Multi Purpose southbound on 150 Highway near the intersection.

8. At said time and place, Rosa ran a red light and struck Plaintiff's vehicle.

9. Rosa was negligent in the following respects:

- a. He failed to stop at the red light;
- b. He failed to yield the right of way;
- c. His vehicle entered the intersection when Plaintiff's vehicle was within or so close to the intersection so as to constitute an immediate hazard;
- d. He failed to keep a careful lookout;
- e. He was driving at an excessive speed;
- f. He failed to stop, slow or swerve his vehicle or to sound a warning thereof.

10. As a direct and proximate result of Rosa's negligence, Plaintiff's vehicle was totaled.

11. As a further direct and proximate result of Rosa's negligence, Plaintiff received multiple injuries; he has suffered, and will permanently suffer, great physical pain; and he has incurred, and will in the future incur, substantial expense for medicine and medical attention.

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Respectfully submitted,

THOMAS STEIN, P.C.

/s/ Thomas Stein

Thomas Stein #32256

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1100 Main
Kansas City, MO 64105
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FAX/471-4949
tomstein@sbcglobal.net

ATTORNEY FOR PLAINTIFF

JOHNSON COUNTY KANSAS SHERIFF'S RETURN OF CIVIL PROCESS

CASE NO. 2216CV15748
CHAPTER

MICHAEL F HAGAN

(PLAINTIFF)

IRVING A RODRIGUEZ ROSA
7502 CODY APT 7
SHAWNEE, KS 66214

(PARTY OF RECORD)

SHERIFF'S RETURN OF SERVICE

I have served the following, SUMMONS, PETITION, by delivering a copy of each to IRVING A RODRIGUEZ ROSA, personally, at 150 W SANTA FE, on AUGUST 03 2022, at 1838 hours.

All done in Johnson County, Kansas

I hereby certify under penalty of perjury that the foregoing is true and correct.

Executed 8/8/22
(Date)Attorney for Plaintiff
THOMAS STEINCalvin Hayden-Sheriff
Johnson County, KansasFor Lt Weaver
By _____

DELAGARDELLE, JED, DEPUTY

Additional Notes:

SUBJECT WAS SERVED AT 150 W SANTA FE OLATHE KS AT THE JOHNSON COUNTY SHERIFFS OFFICE.

CERTIFICATION OF OFFICER'S AUTHORITY

Subscribed and sworn to before me this 8th day of August, 2022, by JED DELAGARDELLE, whom I certify was at the date of such service and is now a Deputy Sheriff of Johnson County, State of Kansas, and as such Officer is duly authorized to serve process in Civil actions within said State and is as Officer of the Court of which I am Clerk. Witness my hand and the Seal of the District Court within and for the County of Johnson, and the State of Kansas.

Lt. M. Weaver 1082

Clerk of the District Court, the Tenth Judicial District of the State of Kansas, County of Johnson

